



U.S. Department of Justice

Environment and Natural Resources Division

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October 20, 2020

VIA FED EX

Clerk of Court
United States District Court for Western District of Virginia
255 W. Main Street, Room 304
Charlottesville, VA 22902
(434) 296-9284

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

OCT 22 2020

JULIA G. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

Re: *Wild Virginia et al. v. CEQ*, 3:20-cv-00045-JPJ-PMS

Dear Sir or Madam,

Enclosed please find a copy of a USB flash drive containing the Council on Environmental Quality's Administrative Record for the above captioned case. A copy of Defendants' notice of lodging of the administrative record is enclosed for reference.

If you have any questions, please call me at (303) 844-1475.

Respectfully,

/s/ Barclay T. Samford

Barclay T. Samford

Trial Attorney

Environment and Natural Resources Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

WILD VIRGINIA, VIRGINIA WILDERNESS
COMMITTEE, UPSTATE FOREVER, SOUTH
CAROLINA WILDLIFE FEDERATION, NORTH
CAROLINA WILDLIFE FEDERATION, NATIONAL
TRUST FOR HISTORIC PRESERVATION,
MOUNTAINTRUE, HAW RIVER ASSEMBLY,
HIGHLANDERS FOR RESPONSIBLE
DEVELOPMENT, DEFENDERS OF WILDLIFE,
COWPASTURE RIVER PRESERVATION
ASSOCIATION, CONGAREE RIVERKEEPER, THE
CLINCH COALITION, CLEAN AIR CAROLINA,
CAPE FEAR RIVER WATCH, ALLIANCE FOR THE
SHENANDOAH VALLEY, and ALABAMA RIVERS
ALLIANCE,

Plaintiffs,

v.

COUNCIL ON ENVIRONMENTAL QUALITY and
MARY NEUMAYR IN HER OFFICIAL CAPACITY
AS CHAIR OF THE COUNCIL ON
ENVIRONMENTAL QUALITY,

Defendants,

and

AMERICAN FARM BUREAU FEDERATION,
AMERICAN FOREST RESOURCE COUNCIL,
AMERICAN FUEL & PETROCHEMICAL
MANUFACTURERS, AMERICAN PETROLEUM
INSTITUTE, AMERICAN ROAD &
TRANSPORTATION BUILDERS ASSOCIATION,
CHAMBER OF COMMERCE OF THE UNITED
STATES OF AMERICA, FEDERAL FOREST
RESOURCE COALITION, INTERSTATE NATURAL
GAS ASSOCIATION OF AMERICA, and NATIONAL
CATTLEMEN'S BEEF ASSOCIATION,

Defendants-Intervenors.

Case No. 3:20-cv-00045-JPJ-PMS

NOTICE OF LODGING OF ADMINISTRATIVE RECORD

Federal Defendants, by their undersigned counsel, hereby give notice of the lodging of the administrative record in the above captioned case. The administrative record consists of 1,430,762 pages, bates numbered NEPA_00000001 - NEPA_01431121. The record is certified by CEQ employee Amy Coyle. Mr. Coyle's certification is attached as Exhibit 1. The index to the administrative record is attached as Exhibit 2.

Because the record is extremely voluminous, it is being submitted for manual filing on a single USB flash drive. The USB flash drive contains an index "hyperlinked" to the specified documents to assist the user in locating each document.

The administrative record will be shipped on this date for over-night delivery to: the Clerk of Court for the United States District Court for the Western Division of Virginia; the Chambers of the Honorable James P. Jones, counsel for Plaintiffs Kimberley Hunter, and counsel for Defendant-Intervenors Michael Kimberly.

Respectfully submitted this 20th day of October, 2020,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

) Case No. 3:20-cv-00045-JPJ-PMS

WILD VIRGINIA, VIRGINIA
WILDERNESS COMMITTEE,
UPSTATE FOREVER, SOUTH
CAROLINA WILDLIFE
FEDERATION, NORTH CAROLINA
WILDLIFE FEDERATION,
NATIONAL TRUST FOR HISTORIC
PRESERVATION,
MOUNTAINTRUE, HAW RIVER
ASSEMBLY, HIGHLANDERS FOR
RESPONSIBLE DEVELOPMENT,
DEFENDERS OF WILDLIFE,
COWPASTURE RIVER
PRESERVATION ASSOCIATION,
CONGAREE RIVERKEEPER, THE
CLINCH COALITION, CLEAN AIR
CAROLINA, CAPE FEAR RIVER
WATCH, ALLIANCE FOR THE
SHENANDOAH VALLEY, and
ALABAMA RIVERS ALLIANCE,

Plaintiffs,

v.

COUNCIL ON ENVIRONMENTAL
QUALITY and MARY NEUMAYR IN
HER OFFICIAL CAPACITY AS
CHAIR OF THE COUNCIL ON
ENVIRONMENTAL QUALITY,

Defendants.

DECLARATION OF AMY COYLE

I, Amy Coyle, do hereby declare as follows:

1. I am the Deputy General Counsel at the Council on Environmental Quality (CEQ). As Deputy General Counsel, I am responsible for advising on the legal ramifications on all actions associated with CEQ's statutory responsibility for advising the President on environmental matters, coordinating environmental policies within the Executive Branch, overseeing the implementation of the National Environmental Policy Act (NEPA), and complying with various statutes including the Freedom of Information Act (FOIA). I have been in this position since August 2, 2020. Before joining CEQ, I was employed by the U.S. Department of Transportation Office of the Secretary as a Senior Attorney focusing on the Department's National Environmental Policy Act (NEPA) compliance. I came to CEQ as a detailee in December 2018 and joined CEQ as a full-time employee on August 2, 2020.

2. I am familiar with CEQ's authorities, regulations, policies, and activities. I have worked on legal issues associated with NEPA and infrastructure development for the past eleven years.

3. In my role as Deputy General Counsel, I have been assigned to compile the administrative record for the final rule titled, "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act," which was the first comprehensive revision of the CEQ NEPA implementing regulations in over 40 years. 85 Fed. Reg. 43,304 (July 16, 2020).

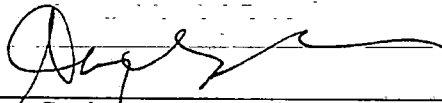
4. As part of its two-year rulemaking under the Administrative Procedure Act (APA), CEQ considered many source documents and public comments. The administrative record includes over thirty years of guidance issued by CEQ; approximately 12,500 comments on its Advance Notice of Proposed Rulemaking and 1.1 million comments on its Notice of

Proposed Rulemaking and testimony received through public hearings; and studies and reports on the NEPA process, such as the length and timeframes for completing NEPA reviews. To the best of my knowledge, the index for the administrative record lists each of those documents.

CEQ did not withhold any documents from the record based on an assertion of privilege.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this the 20th day of October, 2020,

A handwritten signature in black ink, appearing to read 'Amy Coyle', written over a horizontal line.

Amy Coyle
Deputy General Counsel
Council on Environmental Quality

